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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,066	05/03/2006	William Kennedy	DLT-004	1402
51414	7590	11/12/2009	EXAMINER	
GOODWIN PROCTER LLP PATENT ADMINISTRATOR 53 STATE STREET EXCHANGE PLACE BOSTON, MA 02109-2881			AKINTOLA, OLABODE	
			ART UNIT	PAPER NUMBER
			3691	
			NOTIFICATION DATE	DELIVERY MODE
			11/12/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PatentBos@goodwinprocter.com  
hmcpeake@goodwinprocter.com  
glenn.williams@goodwinprocter.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,066	<b>Applicant(s)</b> KENNEDY ET AL.	
	<b>Examiner</b> OLABODE AKINTOLA	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3691

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5-25, 27-47 and 49- 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al (US 5878403) in view of Norris (USPAP 20030191714).

Re claims 1-3, 5, 7, 8, 10-19, 21-25, 27, 29, 30, 32-41, 43-47, 49, 51, 52, 54-63, 65 and 66:

Defrancesco teaches an integrated electronic credit application, contracting and securitization system comprising:

means for receiving a credit application from an applicant utilizing at least one remote application input and display device at a dealer location;

means for selectively forwarding said credit application to a plurality of funding sources;

Art Unit: 3691

means for receiving a funding decision from the plurality of funding sources (abstract, figs. 1-2, col. 23, line 33 through col. 24, line 45, col. 24, line 46 through col. 26, line 8, col. 16, lines 46-67, col. 28, lines 13-58, col. 20, lines 37-67, col. 22, line 44 through col. 45 );

Defrancesco does not explicitly teach means for providing an electronic contract between at least said applicant and a selected one of said plurality of funding sources using at least some information from said credit application, wherein means for providing an electronic contract provides on said at least one application input and display device an electronic contract form - having at least one first data field containing at least a portion of said credit application information and at least one second data field for entry of electronic contract information by said applicant, wherein said means for providing an electronic contract forwards at least said electronic contract information to said selected funding source for verification purposes and receives a funding source verification message from said selected funding source; and means for storing, retrieving and maintaining the integrity of said electronic contract thereby providing irrevocable proof of the authenticity of said electronic contract.

Norris, in the same field of art, teaches means for providing an electronic contract between an applicant and a funding sources using at least some information from said credit application, wherein means for providing an electronic contract provides on said at least one application input and display device an electronic contract form -having at least one first data field containing at least a portion of said credit application information and at least one second data field for entry of electronic contract information by said applicant, wherein said means for providing an electronic contract forwards at least said electronic contract information to said selected funding

Art Unit: 3691

source for verification purposes and receives a funding source verification message from said selected funding source (paragraph 0017, 0045, 0050); and means for storing, retrieving and maintaining the integrity of said electronic contract thereby providing irrevocable proof of the authenticity of said electronic contract (paragraph 0046). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify DeFrancesco to include providing electronic contract and storing such contract for the obvious reason of automatically closing the deal without little or no human intervention.

Re claims 6, 9, 20, 28, 31, 42, 50, 53 and 64: DeFrancesco and Norris do not teach wherein said verification message comprises funding source edits; and displaying error information associated with the processing of said electronic contract; tracking and storing access and usage information. However, official notice is hereby taken that these concepts are old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify DeFrancesco to include these features for the obvious reason of allowing the bank to point to any potential error in the said contract for rectification.

Claims 4, 26 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al in view of Norris as applied to claim 1, and further in view of Wilce et al (USPAP 20030023528).

Art Unit: 3691

Re claims 4, 26 and 48: DeFrancesco and Norris do not explicitly teach providing application input and display tracking and status information about said electronic contract.

Wilce teaches the concept of displaying the status of an agreement at various point in time (paragraph 0141, fig. 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Defrancesco to include this feature as taught by Wilce in order to keep track of the electronic contract.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3691

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A./

Examiner, Art Unit 3691

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691